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**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

In re:

The Roman Catholic Archbishop of San  
Francisco,

Debtor and  
Debtor in Possession.

Case No. 23-30564 (DM)

Chapter 11

**STATUS REPORT OF CERTAIN  
INSURERS IN CONNECTION WITH  
THEIR APPLICATION FOR ENTRY OF  
AN ORDER PURSUANT TO  
BANKRUPTCY RULE 2004  
COMPELLING PRODUCTION OF  
DOCUMENTS**

No Hearing Requested  
Judge: Hon. Dennis Montali

Century Indemnity Company, as successor to CCI Insurance Company and Insurance Company of North America, Pacific Indemnity Company, Westchester Fire Insurance Company as successor in interest to Industrial Underwriters Insurance Company for policies JU835-8355 and JU895-0964, and Continental Insurance Company (collectively, the “**Insurers**”) hereby submit this brief status report concerning their *ex parte* application under Bankruptcy Rule 2004 for entry of an order compelling production of documents [Docket No. 571] the (the “**Application**”).<sup>1</sup>

On April 4, 2024 and April 8, 2024, respectively, the Committee and the Debtor objected to the Application [Docket Nos. 573, 580] (the “**Debtor Objection**” and the “**Committee Objection**”, respectively). Several insurers filed joinders to the Application [Docket Nos. 572, 576, 577].

In accordance with the Court’s text orders, dated April 7, 2024 and April 9, 2024, counsel to the Insurers met and conferred with Debtor’s counsel to discuss the discovery matters addressed in the Application. As discussed below, the Debtor and the Insurers (as well as counsel for other joining insurers) have made progress towards resolving the open issues. Accordingly, the Insurers request that the Court continue the status conference on the Application to a date to be determined to allow the parties to continue to meet and confer to negotiate a consensual resolution of all open issues. If the parties reach an agreement, the parties will submit an agreed proposed order for the Court’s review. If the parties reach an impasse, they will submit a joint letter to the Court describing the parties’ conflicting positions and requesting a status conference.

## **I. Protective Order**

The principal outstanding issue with respect to the Protective Order is the provision requiring that Receiving Parties return or destroy all Designated Materials (each as defined in the Protective Order) within thirty (30) days of a final decree closing the chapter 11 case.<sup>2</sup> Certain insurers have objected to this provision, arguing that, as drafted, the provision will render them

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<sup>1</sup> Capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Application.

<sup>2</sup> See Protective Order ¶ 27.

1 unable to comply with the requirements of auditors, regulators, and reinsurers.<sup>3</sup> The Debtor has  
2 requested more information on this issue. The insurers have requested that the Debtor narrow this  
3 provision so that it is consistent with document destruction provisions in protective orders in the  
4 Oakland and Santa Rosa diocese chapter 11 cases, consistent with the Court's instruction in prior  
5 hearings that the three Diocesan bankruptcy cases pending in the Northern District of California  
6 proceed along similar tracks.<sup>4</sup> The parties are discussing appropriate revisions to the Protective  
7 Order and are hopeful that they will be able to resolve this issue without Court intervention.

8 The Debtor and the Insurers have also agreed to modify certain provisions concerning the  
9 signature requirements under the Protective Order to make it more consistent with the approach  
10 taken by the Debtor with respect to the protective order governing proofs of claim in this chapter  
11 11 case.

## 12 II. Discovery Requests

13 The Debtor and the Insurers have met and conferred to discuss and clarify the scope of the  
14 Insurers' discovery requests. The Debtor has agreed to produce, upon the Insurers' execution of  
15 the operative Protective Order, all documents responsive to the Insurers' requests that have already  
16 been produced to the Committee.<sup>5</sup>

17 The Insurers and counsel for the Debtor also discussed the need for the Insurers to  
18 understand the scope of what the Debtor has not produced or is unwilling to produce to the  
19 Committee at this juncture so that the Insurers can evaluate whether to seek additional documents  
20 other than those the Debtor has agreed to produce to the Committee. The Debtor agreed that, upon  
21 the Insurers' execution of the operative Protective Order, the Debtor will share with the Insurers  
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24 <sup>3</sup> See *Joinder of Certain Underwriters at Lloyd's, London and Certain London Market Companies to the Ex Parte*  
25 *Application of Certain Insurers for Entry of an Order Pursuant to Bankruptcy Rule 2004 Compelling Production of*  
*Documents* [Docket No. 577] at 3.

26 <sup>4</sup> See Confidentiality and Protective Order, *In re The Roman Catholic Bishop of Oakland*, No. 23-40523 [Docket No.  
27 832] ¶ 13 (N.D. Cal. Jan. 31, 2024); Order Approving Stipulated Confidentiality and Protective Order, *In re The*  
*Roman Catholic Bishop of Santa Rosa*, No. Case No. 23-10113 [Docket No. 567] ¶ 13 (N.D. Cal. Jan. 3, 2024).

28 <sup>5</sup> Counsel to the Insurers other than Continental Insurance Company have previously executed the acknowledgement  
and agreement to be bound under the existing protective order.

1 the Debtor's written responses and objections to the Committee's document requests, which  
2 Debtor believes would provide the specific parameters of what has and has not been produced or  
3 agreed to.

4 To be clear, the Insurers have sought documents responsive to their requests that exceed  
5 the Committee's discovery, irrespective of whether the Debtor has produced those documents to  
6 the Committee. The Debtor and the Insurers will continue to meet and confer to discuss the  
7 Insurers' discovery requests and hope to resolve all issues consensually.

8 Further, pursuant to the Application, the Insurers requested that the Committee produce,  
9 among other things, all information received from non-debtor Parishes and Affiliates. The  
10 Committee objected to the Insurers' request as duplicative, stating that the Committee's  
11 investigation suggested that the Debtor has "possession, custody or control" of these documents.<sup>6</sup>  
12 While the Debtor does not agree that it has possession, custody or control of these documents  
13 and/or lacks consent of the non-debtors and the non-debtors' separate legal counsel, the Insurers  
14 and the Debtor will continue to meet and confer to discuss the documents in the Debtor's control  
15 so the Insurers can determine whether additional documents may be required from the Committee.  
16 To the extent that documents produced by the Debtor are included within the scope of what was  
17 requested from the Committee, the Insurers agree that the Committee need not reproduce such  
18 documents to the Insurers. In the interim, the Insurers reserve all rights to continue to seek the  
19 documents from the Committee pursuant to the Application, and understand that the Committee  
20 reserves its rights to object.

### 21 **CONCLUSION**

22 The Insurers and the Debtors have made progress towards resolving all issues relating to  
23 the Application. Accordingly, the Insurers request that the Court continue the hearing on the  
24 Application to allow the parties to continue to meet and confer to consensually resolve these open  
25 issues. If the parties reach an agreement, the parties will submit an agreed proposed order for the  
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28 <sup>6</sup> See Committee Objection ¶ 4.

1 Court's review. If the parties reach an impasse, they will submit a joint letter to the Court  
2 describing the parties' conflicting positions and requesting a status conference.

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Respectfully submitted,

Dated: April 17, 2024

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